

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELIZABETH PICHLER, RUSSELL CHRISTIAN,	:	
SETH NYE, HOLLY MARSTON, KEVIN QUINN,	:	
JOSE L. SABASTRO, THOMAS RILEY, AMY	:	
RILEY, and RUSSELL DAUBERT, on behalf of	:	
themselves and all others similarly situated,	:	
:		
Plaintiffs,	:	04-CV-2841
:		
v.	:	
:		
UNITE (UNION OF NEEDLETRADES,	:	
INDUSTRIAL & TEXTILE EMPLOYEES	:	
AFL-CIO), a New York unincorporated association,	:	
:		
Defendant.	:	

ORDER

AND NOW, this _____ day of _____, 2009, upon consideration of Defendant UNITE's Motion for Summary Judgment on the Issue of Multiple Liquidated Damages, it is hereby ORDERED that:

1. Defendant UNITE's Motion for Summary Judgment on the Issue of Multiple Liquidated Damages is GRANTED; and
2. Plaintiffs Elizabeth Pichler, Russell Christian, Seth Nye, Holly Marston, Kevin Quinn, Jose L. Sabastro, Thomas Riley, Amy Riley, and Russell Daubert shall not seek or recover more than \$2,500 in liquidated damages each.

Stewart Dalzell, J.

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Plaintiffs,	:	04-CV-2841
	:	
v.	:	
	:	
UNITE (UNION OF NEEDLETRADES,	:	
INDUSTRIAL & TEXTILE EMPLOYEES	:	
AFL-CIO), a New York unincorporated association,	:	
	:	
Defendant.	:	

**UNITE'S MOTION FOR SUMMARY JUDGMENT
ON THE ISSUE OF MULTIPLE LIQUIDATED DAMAGES**

In accordance with this Court's Order of May 6, 2009 (Docket Entry #272), Defendant UNITE, through its undersigned counsel, respectfully moves this Court for an order of summary judgment in its favor prohibiting plaintiffs Elizabeth Pichler, Russell Christian, Seth Nye, Holly Marston, Kevin Quinn, Jose L. Sabastro, Thomas Riley, Amy Riley, and Russell Daubert from seeking or recovering more than \$2,500 each in liquidated damages. This motion is brought pursuant to Rule 56 of the Federal Rules of Civil Procedure and is supported by the Memorandum of Law in Support of UNITE's Motion for Summary Judgment on the Issue of Multiple

Liquidated Damages and the accompanying exhibits.

Date: June 3, 2009

s/ Lawrence T. Hoyle

Lawrence T. Hoyle, Jr.

Arlene Fickler

Arleigh P. Helfer III

John R. Timmer

HOYLE, FICKLER, HERSCHEL & MATHES, LLP

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Counsel for Defendant UNITE

CERTIFICATE OF SERVICE

I, John Timmer, hereby certify that on this 3rd day of June, 2009, I caused Defendant UNITE's Motion for Summary Judgment on the Issue of Multiple Damages to be filed using the Court's ECF system. The document is available for viewing and downloading via the ECF system.

In addition, I caused the Memorandum of Law in Support of UNITE's Motion for Summary Judgment on the Issue of Multiple Liquidated Damages to be filed UNDER SEAL pursuant to the Court's January 7, 2005 Confidentiality Order.

Hardcopies of the foregoing documents were served upon counsel for Plaintiffs in the manner set forth below:

**By Email (without Exhibits) and First Class Mail, Postage
Prepaid to**

David Picker, Esq.
Paul Rosen, Esq.
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Attorneys for Plaintiffs

s/ John R. Timmer